



NORTH CAROLINA GENERAL ASSEMBLY
SENATOR PHILIP E. BERGER
PRESIDENT PRO TEMPORE
NORTH CAROLINA SENATE

July 26, 2019

Senators,

Thank you for your letter dated July 24, 2019 requesting a Senate Select Committee to investigate a contract awarded by the Department of Public Instruction (DPI).

It is my understanding that the reading assessment Request for Proposal from DPI is an IT contract. As a result of that, the process falls under the procurement rules of the N.C. Department of Information Technology which has a formal protest process.

Our office spoke with the nonpartisan central staff to receive information about how that process works and was informed that it is a multi-step process. Those steps include:

- **Request for a protest meeting**
- **Agency decision**
- **State Chief Information Officer review**
- **Judicial Review**

It is my understanding that an active protest of the contract decision is currently underway and has not concluded. As current law and regulation outlines a clear process, and it appears that process is being followed, it is my opinion that legislative intervention is not appropriate at this time.

If you would like more detailed information about the protest process, I suggest you reach out to the nonpartisan central staff, who were very helpful in explaining the process to my office.

Upon conclusion of the formal protest process, I am open to working together with you to determine what questions remain outstanding and the best way to get answers to those questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil Berger", written over a horizontal line.

Sen. Phil Berger